

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by inserting after section 3 the following:

‘**Sec. 4. 20-A MRSA c. 103-A, sub-c. 7** is enacted to read:

SUBCHAPTER 7

REORGANIZATION OF REGIONAL SCHOOL UNITS

§ 1516. Dissolution of a district

1. Ten percent petition. Upon receipt of a petition that seeks to dissolve a regional school unit and establishes a maximum figure for the cost of preparing a dissolution agreement signed by 10% of the number of voters in a municipality who voted at the last gubernatorial election, the municipal officers of the municipality within the regional school unit shall call and hold a special election, in the manner provided for the calling and holding of town meetings or city elections, to vote on the dissolution of the regional school unit.

A. At least 10 days before the election, a posted or otherwise advertised public hearing on the petition must be held by the municipal officers.

B. The petition must be approved by secret ballot by a 2/3 vote of the voters present and voting before it may be presented to the board of directors and the commissioner. Voting in towns must be conducted in accordance with Title 30-A, sections 2528 and 2529, even if the towns have not accepted the provisions of Title 30-A, section 2528, and voting in cities must be conducted in accordance with Title 21-A.

2. Form. The article to be voted upon must be in substantially the following form:

"Article: Do you favor filing a petition for dissolution with the directors of regional school unit (name of regional school unit) and with the Commissioner of Education, authorizing the dissolution committee to expend \$ (insert amount) and authorizing the (municipal officers; i.e., selectmen, town council, etc.) to issue notes in the name of the (name of the municipality) or otherwise pledge the credit of the (name of the municipality) in an amount not to exceed \$ (insert amount) for this purpose?

Yes No"

3. Notice of vote; finding by commissioner. If residents of a municipality within the regional school unit vote favorably on a petition for dissolution, the clerk shall immediately give written notices, by registered mail, to the secretary of the regional school unit and the commissioner that must include:

A. The petition adopted by the voters, including the positive and negative votes cast; and

B. An explanation by the municipal officers, stating to the best of their knowledge the reason or reasons why the municipality seeks to dissolve the regional school unit.

4. Agreement for dissolution; notice; changes in agreement; final agreement.

The agreement for dissolution must comply with the following.

A. The commissioner, after consultation with the regional school unit board of directors, municipal officers of each municipality within the regional school unit and representatives of the group that filed the petition with the municipality, shall direct the municipal officers of each municipality to select representatives to a committee as follows: one member from the municipal officers, the group filing the petition; and one member from the general public; and one member from the group filing the petition if the group is represented in the municipality, otherwise an additional one member of the general public. The commissioner shall also direct the directors representing each municipality to select one member of the board of directors who represents that municipality to serve on the committee. The municipal officer and the member of the board of directors shall serve on the committee only so long as they hold their respective offices. Vacancies must be filled by the municipal officers and board of directors. The chair of the board of directors shall call a meeting of the committee within 30 days of the filing of the notice of the vote in subsection 3. The chair of the board of directors shall open the meeting by presiding over the election of a chair of the committee. The responsibility for the preparation of the agreement rests with the committee, subject to the approval of the commissioner. The committee may draw upon the resources of the department for information not readily available at the local level and employ competent advisors within the fiscal limit authorized by the voters. The agreement must be submitted to the commissioner within 90 days after the committee is formed. Extensions of time may be granted by the commissioner upon the request of the committee.

(1) The agreement must contain provisions to provide educational services for all students in the regional school unit. The agreement must provide that during the first year following the dissolution, students may attend the school they would have attended if the regional school unit had not dissolved. The allowable tuition rate for students sent from one municipality to another in the former regional school unit must be determined under section 5805, subsection 1, except that it is not subject to the state per pupil average limitation in section 5805, subsection 2.

(2) The agreement must establish the dissolution to take effect at the end of the regional school unit's fiscal year.

(3) The agreement must establish that the dissolution will not cause a need within 5 years from the effective date of dissolution for school construction projects that would be eligible for state funds. This limitation does not apply when a need for school construction existed prior to the effective date of the dissolution or when a need for school construction would have arisen even if the regional school unit had not dissolved.

(4) The agreement must establish how transportation services will be provided.

(5) The agreement must provide for administration of the new administrative units, which should not include the creation of new supervisory units if at all possible.

(6) The agreement must make provision for the distribution of financial commitments arising from outstanding bonds, notes and any other contractual obligations that extend beyond the proposed date of dissolution.

(7) The agreement must make appropriate provision for the distribution of any outstanding financial commitments to the superintendent of the regional school unit.

(8) The agreement must provide for the assumption and assignment of all obligations, duties, liabilities and rights related to collective bargaining as described in this section. Immediately following the dissolution, each municipal school unit shall assume all of the obligations, duties, liabilities and rights of the regional school unit for all purposes under Title 26, chapter 9-A with respect to the employees who are transferred and assigned to the municipal school unit. Notwithstanding any other provision of law, the responsibilities of a municipal school unit include:

(a) Continued recognition of all bargaining agents that represented any bargaining units of employees who were employed by the regional school unit and any successor or successors to such bargaining agents that are created as a consequence of the dissolution of the regional school unit and the division of the regional bargaining unit into municipal school unit bargaining units; and

(b) Assumption and continued observance of all collective bargaining agreements between such bargaining agents and the regional school unit, which agreements continue in effect for the remainder of their unexpired terms unless the bargaining agent and a municipal school unit mutually agree otherwise.

(9) The agreement must provide for the transfer and assignment of teachers and other school employees as described in this section. Except as limited by division (a), all teachers and school employees who are employed by the regional school unit on the effective date of the dissolution must be immediately transferred to and employed by a municipal school unit. Each municipal school unit shall assume all of the legal obligations and duties that the regional school unit owed to its employees, including but not limited to those obligations and duties arising under federal law, state law, collective bargaining agreements and individual employment contracts. It is the intent of this chapter to neither decrease nor increase the rights and benefits

of transferred employees or the employers. The municipal school units shall also maintain and honor any agreements, contracts or policies regarding the rights and benefits of retirees and former employees of the regional school unit that is dissolved.

(a) Teachers or other employees whose employment terminates by application of law or contract or by action of the regional school unit before the effective date of the dissolution may not be transferred.

(b) Teachers and other employees who are transferred from the regional school unit to an individual municipal school unit prior to the completion of the applicable probationary period for their position have the length of their probationary period calculated from the date of their most recent date of employment by the regional school unit.

(10) The agreement must provide for the disposition of all real and personal property and other monetary assets.

(11) The agreement must provide for the transition of administration and governance of the schools to properly elected governing bodies of the newly created administrative units and must provide that the governing bodies may not be elected simultaneously with the vote on the article to dissolve unless the commissioner finds there are extenuating circumstances that necessitate simultaneous elections.

B. Within 60 days of the receipt of the agreement, the commissioner shall either give it conditional approval or recommend changes. The changes must be based upon the standards set forth in paragraph A and the commissioner's findings of whether the contents of the plan will provide for appropriate educational and related services to the students of the regional school unit and for the orderly transition of assets, governance and other matters related to the regional school unit.

C. If the commissioner gives conditional approval of the agreement, the commissioner shall notify the board of directors and the municipal officers by registered mail of the time and place of a public hearing at least 20 days prior to the date set for the hearing to discuss the merits of the proposed agreement of dissolution. The chair of the board of directors shall conduct the hearing.

(1) The board of directors shall post a public notice in each municipality of the time and location of the hearing at least 10 days before the hearing.

(2) Within 30 days following the hearing, the committee shall forward the final agreement to the commissioner.

D. If the commissioner recommends changes, the commissioner shall:

(1) Send the agreement back to the committee for necessary corrections;

(2) Establish a maximum time within which to make the corrections; and

(3) Indicate that the corrected agreement must be returned to the commissioner for conditional approval before it goes to public hearing as set forth in paragraph C.

5. Date of vote; notice; warrant; polling hours. The date and time for voting is as set forth in this subsection.

A. The commissioner must determine the date upon which all municipalities must vote upon the dissolution agreement submitted to them. The election must be held as soon as practicable and the commissioner shall attempt to set the date of the vote to coincide with a statewide election.

B. At least 35 days before the date set in paragraph A, the board of directors shall give written notice by registered or certified mail to the town or city clerk of each municipality having a right to vote on the dissolution agreement.

C. The town or city clerk shall immediately notify the municipal officers upon receipt of the notice, and the municipal officers shall meet and immediately issue a warrant for a special town meeting or city election, as the case may be, to be held on the date designated by the commissioner. No other date may be used.

D. In the respective warrants, the municipal officers shall direct that the polls open at 10 a.m. and remain open until 8 p.m.

6. Public hearing; voting procedures. The following requirements apply to the voting procedures.

A. At least 10 days before the election, the municipal officers shall hold a posted or otherwise advertised public hearing on the dissolution question.

B. Except as otherwise provided in this section, the voting at the meetings held in towns must be conducted in accordance with Title 30-A, sections 2528 and 2529, even if the towns have not accepted the provisions of Title 30-A, section 2528.

C. The voting at the meeting held in cities must be conducted in accordance with Title 21-A.

7. Article. The article to be voted on must be in the following form.

"Article: Do you favor the dissolution of regional school unit (name of regional school unit) subject to the terms and conditions of the dissolution agreement dated (insert date)?

Yes No"

8. Ballots; posting of agreement. The dissolution agreement need not be printed on the ballot. Copies of the agreement must be posted in each participating municipality in the same manner as specimen ballots are posted under Title 30-A, section 2528.

9. Restriction on dissolution petitions. A municipality within a regional school unit may not petition for dissolution within 2 years after the date of:

A. A municipal vote on a petition for dissolution if the petition received less than 60% of the votes cast; or

B. A regional school unit vote on a dissolution agreement if the agreement received less than 45% of the votes cast.

10. Costs of dissolution agreements. If the regional school unit votes to permit dissolution, then the regional school unit shall reimburse the petitioning municipality for the authorized expenses incurred by the dissolution committee. If the regional school unit votes not to permit dissolution, then the regional school unit will not be required to reimburse the petitioning municipality for those expenses.

11. Determination of vote. The town and city clerks shall, within 24 hours of determination of the result of the vote in their respective municipalities, certify the total number of votes cast in the affirmative and the total number of votes cast in the negative on the article to the board of directors.

12. Determination of results; notification of commissioner; execution of agreement. Determination of results must comply with the following.

A. Upon receipt of the results of the voting from all municipalities, the board of directors shall meet and shall compute and record the total number of votes cast in the municipalities in the affirmative and in the negative on the article.

B. The board of directors shall notify the commissioner by registered mail or by hand delivery of the results of the vote.

C. If the commissioner finds that a majority of the voters voting on the article have voted in the affirmative, the commissioner shall notify the directors of the regional school unit to take steps to dissolve the regional school unit in accordance with the terms of the agreement for dissolution.

13. Recount; checklists and ballots; disputed ballots. The following provisions apply to recounts, checklists, ballots and disputed ballots.

A. If, within 7 days of the computation and recording of the results of the voting from all municipalities, the municipal officers of any participating municipality request to the commissioner in writing a recount of the votes in the regional school unit, the commissioner shall immediately cause the checklists and all the ballots cast in all of the participating municipalities to be collected and kept at the commissioner's office so they may be recounted by interested municipalities.

B. The town clerks of the participating municipalities are authorized to deliver the checklists and ballots to the commissioner, notwithstanding any other provision of law to the contrary.

C. The commissioner shall resolve any question with regard to disputed ballots.

14. Execution of agreement; certified record; certificate of withdrawal. When the agreement for dissolution has been put into effect by the directors of the regional school unit, the directors shall notify the commissioner by certified mail that the agreement of dissolution has been executed.

A. A complete certified record of the transaction involved in the dissolution must be filed with the commissioner.

B. The commissioner shall immediately issue a certificate of dissolution to be sent by certified mail for filing with the directors of the regional school unit and shall file a copy in the office of the Secretary of State.

15. Indebtedness; indebtedness defined; indebtedness after dissolution. The following provisions apply to outstanding indebtedness.

A. Whenever a regional school unit having outstanding indebtedness dissolves, the regional school unit remains intact for the purpose of securing and retiring the indebtedness. The dissolution agreement may provide for alternate means for retiring outstanding indebtedness.

B. For the purposes of this subsection, "outstanding indebtedness" means bonds or notes for school construction projects issued by the board of directors pursuant to the authorization established under chapter 609 or Title 20, sections 3457 to 3460 or obligations to the Maine School Building Authority pursuant to any contract, lease or agreement made by the board of directors pursuant to approval thereof in a meeting of the regional school unit, but does not include any indebtedness of any municipality assumed by the regional school unit at the time of formation nor any contract, lease or agreement of the Maine School Building Authority to which by operation of law the regional school unit has become the assignee.

16. General purpose aid. When a regional school unit dissolves, the general purpose aid for the individual municipalities must be computed in accordance with chapter 606-B.

17. Committee recall. If the commissioner determines that the dissolution committee has failed to comply with the requirements of this section, the commissioner may authorize the municipal officers and the board of directors of the regional school unit to recall their representatives and to appoint new representatives to the committee.

§ 1517. Withdrawal of a single municipality from a regional school unit

1. Petition. The residents of a municipality within a regional school unit may petition to withdraw from the regional school unit as follows.

A. Ten percent of the number of voters in the municipality who voted at the last gubernatorial election must sign the petition to withdraw from the regional school unit.

B. At least 10 days before the special election called pursuant to this paragraph, the municipal officers of the municipality within the regional school unit shall hold a posted or otherwise advertised public hearing on the petition and shall call and hold the special election, in the manner provided for the calling and holding of town meetings or city elections to vote on the withdrawal of the regional school unit.

C. The petition to withdraw from the regional school unit must be approved by secret ballot by a majority vote of the voters present and voting before it may be presented to the board of directors and the commissioner. Voting in towns must be conducted in accordance with Title 30-A, sections 2528 and 2529, even if the towns have not accepted the provisions of Title 30-A, section 2528, and voting in cities must be conducted in accordance with Title 21-A.

2. Form. The article to be voted upon must be in substantially the following form:

"Article: Do you favor filing a petition for withdrawal with the directors of regional school unit (name of regional school unit) and with the Commissioner of Education, authorizing the withdrawal committee to expend \$ (insert amount) and authorizing the (municipal officers; i.e., selectmen, town council, etc.) to issue notes in the name of the (name of the municipality) or otherwise pledge the credit of the (name of the municipality) in an amount not to exceed \$ (insert amount) for this purpose?

Yes No"

3. Notice of vote; finding by commissioner. If residents of the municipality vote favorably on a petition for withdrawal, the clerk shall immediately give written notices, by registered mail, to the secretary of the regional school unit and the commissioner that must include:

A. The petition adopted by the voters, including the positive and negative votes cast; and

B. An explanation by the municipal officers, stating to the best of their knowledge the reason or reasons why the municipality seeks to withdraw from the regional school unit.

4. Agreement for withdrawal; notice; changes in agreement; final agreement. The agreement for withdrawal must comply with the following.

A. The commissioner shall direct the municipal officers of the petitioning municipality to select representatives to a committee as follows: one member from the municipal officers, the group filing the petition; and one member from the general public; and one member from the group filing the petition if the group is represented in the municipality, otherwise an additional one member of the general public. The commissioner shall also direct the directors representing the petitioning municipality to select one member of the board of directors who represents that municipality to serve on the committee. The municipal officer and the member of the board of directors serve on the committee only so long as they hold their respective offices. Vacancies must be filled by the municipal officers and board of directors. The chair of the board of directors shall call a meeting of the committee within 30 days of the filing of the notice of the vote in subsection 3. The chair of the board of directors shall open the meeting by presiding over the election of a chair of the

committee. The responsibility for the preparation of the agreement rests with the committee, subject to the approval of the commissioner. The committee may draw upon the resources of the department for information not readily available at the local level and employ competent advisors within the fiscal limit authorized by the voters. The agreement must be submitted to the commissioner within 90 days after the committee is formed. Extensions of time may be granted by the commissioner upon the request of the committee.

(1) The agreement must contain provisions to provide educational services for all students in the regional school unit. The agreement must provide that during the first year following the withdrawal, students may attend the school they would have attended if the petitioning municipality had not withdrawn. The allowable tuition rate for students sent from one municipality to another in the former regional school unit must be determined under section 5805, subsection 1, except that it is not subject to the state per pupil average limitation in section 5805, subsection 2.

(2) The agreement must establish the withdrawal to take effect at the end of the regional school unit's fiscal year.

(3) The agreement must establish that the withdrawal will not cause a need within 5 years from the effective date of withdrawal for school construction projects that would be eligible for state funds. This limitation does not apply when a need for school construction existed prior to the effective date of the withdrawal or when a need for school construction would have arisen even if the municipality had not withdrawn.

(4) The agreement must establish how transportation services will be provided.

(5) The agreement must provide for administration of the new municipal administrative unit, which should not include the creation of new supervisory units if at all possible.

(6) The agreement must make provision for the distribution of financial commitments arising from outstanding bonds, notes and any other contractual obligations that extend beyond the proposed date of withdrawal.

(7) The agreement must make appropriate provision for the distribution of any outstanding financial commitments to the superintendent of the regional school unit.

(8) The agreement must provide for the assumption and assignment of all obligations, duties, liabilities and rights related to collective bargaining as described in this section. Immediately following the withdrawal, the municipal school unit shall assume all of the obligations, duties,

liabilities and rights of the regional school unit for all purposes under Title 26, chapter 9-A with respect to the employees who are transferred and assigned to the municipal school unit. Notwithstanding any other provision of law, the responsibilities of the municipal school unit include:

(a) Continued recognition of all bargaining agents that represented any bargaining units of employees who were employed by the regional school unit and any successor or successors to such bargaining agents that are created as a consequence of the withdrawal of the municipality from the regional school unit and the division of the regional bargaining unit; and

(b) Assumption and continued observance of all collective bargaining agreements between such bargaining agents and the regional school unit, which agreements continue in effect for the remainder of their unexpired terms unless the bargaining agent and the municipal school unit mutually agree otherwise.

(9) The agreement must provide for the continuation or transfer and assignment of teachers and other school employees as described in this section. Except as limited by division (a), all teachers and school employees who are employed by the regional school unit on the effective date of the withdrawal must be either continued in employment by the regional school unit or immediately transferred to and employed by the withdrawing municipal school unit. The withdrawing municipal school unit shall assume all of the legal obligations and duties that the regional school unit owed to its employees, including but not limited to those obligations and duties arising under federal law, state law, collective bargaining agreements and individual employment contracts. It is the intent of this chapter to neither decrease nor increase the rights and benefits of transferred employees or the employer. The municipal school unit shall also maintain and honor any agreements, contracts or policies regarding the rights and benefits of retirees and former employees of the regional school unit.

(a) Teachers or other employees whose employment terminates by application of law or contract or by action of the regional school unit before the effective date of the withdrawal may not be transferred or continued.

(b) Teachers and other employees who are transferred from the regional school unit to an individual municipal school unit prior to the completion of the applicable probationary period for their position have the length of their probationary period calculated from the date of their most recent date of employment by the regional school unit.

(10) The agreement must provide for the disposition of all real and personal property and other monetary assets.

(11) The agreement must provide for the transition of administration and governance of the schools to properly elected governing bodies of the newly created municipal administrative unit and must provide that the governing body may not be elected simultaneously with the vote on the article to withdraw unless the commissioner finds there are extenuating circumstances that necessitate simultaneous elections.

B. Within 60 days of the receipt of the agreement, the commissioner shall either give it conditional approval or recommend changes. The changes must be based upon the standards set forth in paragraph A and the commissioner's findings of whether the contents of the plan will provide for appropriate educational and related services to the students of the municipality and the regional school unit and for the orderly transition of assets, governance and other matters related to the municipality and the regional school unit.

C. If the commissioner gives conditional approval of the agreement, the commissioner shall notify the board of directors and the municipal officers by registered mail of the time and place of a public hearing at least 20 days prior to the date set for the hearing to discuss the merits of the proposed agreement of withdrawal. The chair of the board of directors shall conduct the hearing.

(1) The board of directors shall post a public notice in each municipality of the time and location of the hearing at least 10 days before the hearing.

(2) Within 30 days following the hearing, the committee shall forward the final agreement to the commissioner.

D. If the commissioner recommends changes, the commissioner shall:

(1) Send the agreement back to the committee for necessary corrections;

(2) Establish a maximum time within which to make the corrections; and

(3) Indicate that the corrected agreement must be returned to the commissioner for conditional approval before it goes to public hearing as set forth in paragraph C.

5. Date of municipal election; notice; warrant; polling hours. The date and time for voting is as set forth in this subsection.

A. The commissioner shall determine the date upon which the petitioning municipality must vote upon the agreement submitted to them. The election must be held as soon as practicable and the commissioner shall attempt to set the date of the vote to coincide with a statewide election.

B. At least 35 days before the date set in paragraph A, the commissioner shall give written notice by registered or certified mail to the town or city clerk of the municipality petitioning to withdraw.

C. The town or city clerk shall immediately notify the municipal officers upon receipt of the notice, and the municipal officers shall meet and immediately issue a warrant for a special town meeting or city election, as the case may be, to be held on the date designated by the commissioner. No other date may be used.

D. In the respective warrants, the municipal officers shall direct that the polls open at 10 a.m. and remain open until 8 p.m.

6. Public hearing; voting procedures. The following requirements apply to the voting procedures.

A. At least 10 days before the election, the municipal officers shall hold a posted or otherwise advertised public hearing on the withdrawal question.

B. Except as otherwise provided in this section, the voting at the meetings held in towns must be conducted in accordance with Title 30-A, sections 2528 and 2529, even if the towns have not accepted the provisions of Title 30-A, section 2528.

C. The voting at the meeting held in cities must be conducted in accordance with Title 21-A.

7. Article. The article to be voted on must be in the following form.

"Article: Do you favor the withdrawal of the (name of municipality) from the regional school unit (name of regional school unit) subject to the terms and conditions of the withdrawal agreement dated (insert date)?

Yes No"

8. Ballots; posting of agreement. The withdrawal agreement need not be printed on the ballot. Copies of the agreement must be posted in the municipality in the same manner as specimen ballots are posted under Title 30-A, section 2528.

9. Restriction on withdrawal petitions. A municipality within a regional school unit may not petition for withdrawal within 2 years after the date of:

A. A municipal vote on a petition for withdrawal if the petition received less than 45% of the votes cast; or

B. A municipal vote on a withdrawal agreement if the agreement received less than 60% of the votes cast.

10. Cost of advisors. The expense of employing competent advisors by the municipality petitioning to withdraw must be borne by the municipality and the expense of employing competent advisors by the regional school unit must be borne by the regional school unit with the municipality bearing its share according to the regional school unit's cost-sharing agreement.

11. Determination of vote. The town and city clerks shall, within 24 hours of determination of the result of the vote in the municipality, certify the total number of votes cast in the affirmative and the total number of votes cast in the negative on the article to the commissioner.

12. Determination of results; execution of agreement. If the commissioner finds that a majority of the voters voting on the article have voted in the affirmative, the commissioner shall notify the municipal officers and the directors of the regional school unit to take steps for the withdrawal in accordance with the terms of the agreement for withdrawal.

13. Recount; checklists and ballots; disputed ballots. The following provisions apply to recounts, checklists, ballots and disputed ballots.

A. If, within 7 days of the computation and recording of the results of the voting, the municipality requests to the commissioner in writing a recount of the votes, the commissioner shall immediately cause the checklists and all the ballots cast in the municipality to be collected and kept at the commissioner's office so they may be recounted by the municipality.

B. The town or city clerk of the municipality is authorized to deliver the checklists and ballots to the commissioner, notwithstanding any other provision of law to the contrary.

C. The commissioner shall resolve any question with regard to disputed ballots.

14. Execution of agreement; certified record; certificate of withdrawal. When the agreement for withdrawal has been put into effect by the municipality, the municipal officers shall notify the commissioner by certified mail that the agreement of withdrawal has been executed.

15. Indebtedness; indebtedness defined; indebtedness after withdrawal. The following provisions apply to outstanding indebtedness.

A. Whenever a municipality withdraws from a regional school unit having outstanding indebtedness, the regional school unit remains intact for the purpose of securing and retiring the indebtedness. The withdrawal agreement may provide for alternate means for retiring outstanding indebtedness.

B. For purposes of this subsection, "outstanding indebtedness" means bonds or notes for school construction projects issued by the board of directors pursuant to the authorization established under chapter 609 or Title 20, sections 3457 to 3460 or obligations to the Maine School Building Authority pursuant to any contract, lease or agreement made by the board of directors pursuant to approval thereof in a meeting of the regional school unit, but does not include any indebtedness of the municipality assumed by the regional school unit at the time of formation nor any contract, lease or agreement of the Maine School Building Authority to which by operation of law the regional school unit has become the assignee.

16. General purpose aid. When a municipality withdraws from a regional school unit, the general purpose aid for the municipality must be computed in accordance with chapter 606-B.

17. Committee recall. If the commissioner determines that the withdrawal committee has failed to comply with the requirements of this section, the commissioner may authorize the municipal officers to appoint new representatives to the committee.

18. Commissioner recommended dissolution. The commissioner's responsibilities to initiate dissolution proceedings are as follows.

A. If a municipality representing more than 50% of the total population in a regional school unit votes to withdraw from the district, then the commissioner shall analyze the educational impact of the withdrawal upon the regional school unit. The regional school unit's board of directors and the municipal officers from the remaining municipalities must be consulted.

B. If the commissioner finds that it is impractical for the remaining municipalities to continue as a regional school unit, then the commissioner shall initiate a dissolution process by having the regional school unit submit the following article to the voters at a regional school unit meeting.

"Article: Do you favor appointment of a dissolution committee for the dissolution of regional school unit (name of regional school unit) by the Commissioner of Education, authorizing the dissolution committee to expend \$ (insert amount) and authorizing the (municipal officers; i.e., selectmen, town council, etc.) to issue notes in the name of the (name of the municipality) or otherwise pledge the credit of the (name of the municipality) in an amount not to exceed \$ (insert amount) for this purpose?

Yes No"

C. If the voters approve the article by a majority vote of those voting and present, then the rest of the dissolution process set forth in section 1516 applies except:

(1) A 2nd member from the general public must be selected by the municipal officers to fill the position on the dissolution committee normally held by a representative of the group that would have filed the dissolution petition; and

(2) Costs of preparing a dissolution agreement must be borne solely by the regional school unit.

19. Transfer of property. The board of directors may negotiate with the withdrawal committee regarding an equitable division of the regional school unit's property between the regional school unit and the municipality represented by the committee and transfer title of the property to the municipality following withdrawal. The board of directors shall determine that the regional school unit's educational program may not be disrupted solely because of the transfer of any given property before it may complete the transfer.

§ 1518. Transfer of a municipality from one regional school unit to another

1. Petition to commissioner. The boards of directors of 2 regional school units may petition the commissioner by joint resolution to permit a municipality to transfer from one regional school unit to another, as long as that municipality is being transferred to a regional school unit contiguous to the municipality.

2. Transfer agreement. The boards of directors of the 2 regional school units and the municipal officers of the municipality involved shall form a committee to prepare a transfer agreement within 60 days after being notified by the commissioner to prepare the agreement. Extensions of time may be granted by the commissioner.

A. The committee shall consider the standards set forth in section 1516, subsection 4, paragraph A in preparing the agreement.

B. The approval process for the agreement must follow the steps set forth in section 1516, subsection 4 to subsection 16 except as modified in this section.

(1) The agreement must provide for the assumption and assignment of all obligations, duties, liabilities and rights related to collective bargaining as described in this section. Immediately following the transfer of the municipality, the regional school unit to which the municipality has transferred shall assume all of the obligations, duties, liabilities and rights of the former regional school unit for all purposes under Title 26, chapter 9-A with respect to the employees who are transferred and assigned from one regional school unit to another. Notwithstanding any other provision of law, the responsibilities of the regional school unit include:

(a) Continued recognition of all bargaining agents that represented any bargaining units of employees who were employed by the regional school unit from which the municipality transferred and any successor or successors to such bargaining agents that are created as a consequence of the withdrawal of the municipality from the regional school unit and the division of the regional bargaining unit; and

(b) Assumption and continued observance of all collective bargaining agreements between such bargaining agents and the regional school unit, which agreements continue in effect for the remainder of their unexpired terms unless the bargaining agent and the regional school unit mutually agree otherwise.

As early as possible after the transfer of the municipality from one regional school unit to another, all bargaining units in the regional school unit to which the municipality has been transferred must be structured on a regional school unit-wide basis. Bargaining units that existed in the municipality that has been transferred and bargaining units that exist in the regional school unit to which the municipality has transferred shall merge in accordance with the procedures and criteria in section 1464.

(2) The agreement must provide for the continuation or transfer and assignment of teachers and other school employees as described in this section. Except as limited by division (a), all teachers and school employees who are employed by the regional school unit on the effective date of the transfer of the municipality from one regional school unit to another must be either continued in employment by the regional school unit from which the municipality has transferred or immediately transferred to and employed by the regional school unit to which the municipality has transferred. The regional school unit to which the municipality has transferred shall assume all of the legal obligations and duties that the regional school unit from which the municipality has transferred owed to its employees, including but not limited to those obligations and duties arising under federal law, state law, collective bargaining agreements and individual employment contracts. It is the intent of this chapter to neither decrease nor increase the rights and benefits of transferred employees or the employer. The regional school unit to which the municipality has transferred shall also maintain and honor any agreements, contracts or policies regarding the rights and benefits of retirees and former employees of the regional school unit from which the municipality has transferred.

(a) Teachers or other employees whose employment terminates by application of law or contract or by action of the regional school unit before the effective date of the transfer of the municipality may not be transferred or continued.

(b) Teachers and other employees who are transferred from one regional school unit to another regional school unit prior to the completion of the applicable probationary period for their position have the length of their probationary period calculated from the date of their most recent date of employment by the regional school unit from which the municipality has transferred.

C. The following article shall appear on the ballot when the transfer of a municipality is considered.

"Article: Do you favor permitting the (name of municipality) to transfer from regional school unit (name of regional school unit) into regional school unit (name of regional school unit) as a participating municipality of that regional school unit subject to the terms and conditions of the agreement of transfer approved by the Commissioner of Education dated (insert date)?

Yes No"

A copy of the agreement must be posted with each warrant that directs the citizens to vote upon the question.

D. The article must be approved by a majority of votes cast in both regional school units and by a majority of votes cast in the municipality to be transferred before the agreement may take effect.

E. A complete certified record of the transaction involved in the transfer must be filed with the commissioner. The commissioner shall issue immediately a certificate of transfer to the secretary of the regional school unit by registered mail to be filed with the boards of directors of the regional school units involved and shall file a copy of the certificate of transfer in the office of the Secretary of State.

3. Outstanding indebtedness. Whenever a municipality, or a part of a municipality, is detached from a regional school unit having outstanding indebtedness, the municipality or part of a municipality remains as part of the regional school unit from which it was detached for the purposes of paying its proper portion of the indebtedness until the indebtedness is redeemed. The municipality or part of a municipality is not part of the regional school unit from which it was detached for the purpose of any outstanding indebtedness incurred subsequent to the date of the certificate of transfer.

For purposes of this subsection, "outstanding indebtedness" means bonds or notes for school construction projects issued by the board of directors pursuant to the authorization established under chapter 609 or Title 20, sections 3457 to 3460 or obligations to the Maine School Building Authority pursuant to any contract, lease or agreement made by the board of directors pursuant to approval thereof in a meeting of the regional school unit, but does not include any indebtedness of the municipality assumed by the regional school unit at the time of formation nor any contract, lease or agreement of the Maine School Building Authority to which by operation of law the regional school unit has become the assignee.

§ 1519. State board review of commissioner's decisions

A regional school unit or other interested party may request that the state board reconsider decisions made by the commissioner under this subchapter. The state board has the authority to overturn decisions made by the commissioner. In exercising this power, the state board is limited by this subchapter.

§ 1520. Rules

The state board may adopt rules to carry out this subchapter. Rules adopted pursuant to this section are routine technical rules in accordance with Title 5, chapter 375, subchapter 2-A.'

Amend the bill by inserting after section 11 the following:

'Sec. 12. Withdrawal of municipality from proposed regional school unit. Notwithstanding the Maine Revised Statutes, Title 20-A, section 1517, the residents of a municipality that is part of a school administrative unit may use the procedures set forth in Title 20-A, section 1517 to withdraw from a proposed regional school unit prior to the formation of the regional school unit.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment incorporates the substance of Senate Amendment "B" (S-420). It enacts into law provisions regarding reorganization of regional school units. The new provisions are similar to the Maine Revised Statutes, Title 20-A, former sections 1403, 1405 and 1406 and allow the dissolution of

regional school units, the withdrawal from a regional school unit by a municipality and the transfer by a municipality out of one regional school unit into another. The amendment includes provisions that formerly applied in this area of law authorizing the State Board of Education to review decisions of the Commissioner of Education and to make rules concerning the reorganization of the regional school units.

This amendment clarifies that the procedures set forth for withdrawal from a regional school unit are available to a municipality prior to the formation of the regional school unit.

The amendment also makes technical corrections to align the employment and collective bargaining provisions of the bill, which apply in the event of dissolution of a regional school unit or withdrawal or transfer of a single municipality from a regional school unit, with the employment and collective bargaining provisions enacted in Public Law 2007, chapter 240, Part XXXX and codified in the Maine Revised Statutes, Title 20-A, sections 1463 and 1464.

FISCAL NOTE REQUIRED

(See attached)